

Remarks

Claims 3-5 and 8-11 are pending in the application. Claims 3-5 and 8-11 are rejected. All rejections are respectfully traversed.

Claims 3-5 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang, et al., (U.S.5,917,819 – Yang).

The claims explicitly recite operations performed on a packet, indicating a packet switched network, e.g., Ethernet. Yang describes asynchronous transfer mode (ATM) switching, which is cell based. A person of ordinary skill in the art would readily understand that that operations performed on ATM cells can never anticipate packet switched operations. This is extremely well known.

For example, Ethernet uses variable-length packets called frames to carry data. The size of the frame is from 72 to 1526 bytes, of which 26 bytes is dedicated to the header. ATM transmits data in fixed-size units called cells. Each cell carries 53 bytes of data, of which 48 bytes is dedicated to the payload and 5 bytes to the header. MPEP 2131 explicitly states that in order to anticipate a claim "each and every element as set forth in the claims" must be found in the prior art reference." The identical invention must be shown in as complete detail as is contained in the ... claim." The Examiner's rejection ignores explicit limitations recited in independent claims 3, 8, and 11 which recite packets. ATM cells can never be used in a packet switched network. ATM cells can never be used to anticipate packets. Therefore, there is no basis for the rejection, even though the two disparate technologies, cell

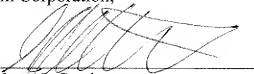
switched networks/packet switched networks, share some common terms.

The rejection should be reconsidered and withdrawn.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-3650.

Respectfully submitted,
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By



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